

Reference: [HF 928 as introduced - 92nd Legislature \(2021 - 2022\) \(mn.gov\)](#) (This is last year's introduced measure) and [Sec. 151.40 MN Statutes](#) (This is the statute that includes the quantity provision)

A Bill for an act:

Section 1. Minnesota Statutes 2020, section 151.01, is amended by adding a subdivision to read: Subd. 43. **Syringe services provider.** "Syringe services provider" means a community-based public health program that offers cost-free comprehensive harm reduction services **which may include:** providing sterile needles, syringes, and other injection equipment; making safe disposal containers for needles and syringes available; educating participants and others about overdose prevention, safer injection practices, and infectious disease prevention; providing blood-borne pathogen testing or referrals to that testing; offering referrals to substance use disorder treatment, including medication-assisted treatment; and providing referrals to medical treatment and services, mental health programs and services, and other social services.

Section 2. **Generally.** It is unlawful for any person to possess, control, manufacture, sell, furnish, dispense, or otherwise dispose of hypodermic syringes or needles or any instrument or implement which can be adapted for subcutaneous injections, except for:

(1) the following persons when acting in the course of their practice or employment:

(i) licensed practitioners and their employees, agents, or delegates;

(ii) licensed pharmacies and their employees or agents;

(iii) licensed pharmacists;

(iv) registered nurses and licensed practical nurses;

(v) registered medical technologists;

(vi) medical interns and residents;

(vii) licensed drug wholesalers and their employees or agents;

(viii) licensed hospitals;

(ix) bona fide hospitals in which animals are treated;

(x) licensed nursing homes;

(xi) licensed morticians;

(xii) syringe and needle manufacturers and their dealers and agents;

(xiii) persons engaged in animal husbandry;

(xiv) clinical laboratories and their employees;

(xv) persons engaged in bona fide research or education or industrial use of hypodermic syringes and needles provided such persons cannot use hypodermic syringes and needles for the administration of drugs to human beings unless such drugs are prescribed, dispensed, and administered by a person lawfully authorized to do so; and

(xvi) persons who administer drugs pursuant to an order or direction of a licensed practitioner;

(xvii) syringe service providers and their employees, agents, or a person who is not an employee or agent that is dispensed or distributed a syringe by a service service program, their employees or agents.

(2) a person who self-administers drugs pursuant to either the prescription or the direction of a practitioner, or a family member, caregiver, or other individual who is designated by such person to assist the person in obtaining and using needles and syringes for the administration of such drugs;

(3) a person who is disposing of hypodermic syringes and needles through an activity or program developed under section [325F.785](#); or

(4) a person who sells, ~~possesses~~, or handles hypodermic syringes and needles pursuant to subdivision 2.

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Section 3 ~~.Sales of limited quantities of clean needles and syringes.~~ (a) A registered pharmacy or a licensed pharmacist may sell, without the prescription or direction of a practitioner, unused hypodermic needles and syringes ~~in quantities of ten or fewer~~, provided the pharmacy or pharmacist complies with all of the requirements of this subdivision.

(b) At any location where hypodermic needles and syringes are kept for retail sale under this subdivision, the needles and syringes shall be stored in a manner that makes them available only to authorized personnel and not openly available to customers.

(c) A registered pharmacy or licensed pharmacist that sells hypodermic needles or syringes under this subdivision may give the purchaser the materials developed by the commissioner of health under section [325F.785](#).

(d) A registered pharmacy or licensed pharmacist that sells hypodermic needles or syringes under this subdivision must certify to the commissioner of health participation in an activity, including but not limited to those developed under section [325F.785](#), that supports proper disposal of used hypodermic needles or syringes.

Section 4. ~~**Drug paraphernalia.** (a) Except as otherwise provided in paragraph (b), "drug paraphernalia" means all equipment, products, and materials of any kind, except those items used in conjunction with permitted uses of controlled substances under this chapter or the Uniform Controlled Substances Act, which are knowingly or intentionally used primarily in (1) manufacturing a controlled substance, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, (3) testing the strength, effectiveness, or purity of a controlled substance, or (4) enhancing the effect of a controlled substance. (b) "Drug paraphernalia" does not include fentanyl test strips; the possession, manufacture, delivery, or sale of hypodermic needles or syringes in accordance with section [151.40, subdivision 2](#); or the possession of hypodermic syringes or needles or any instrument or implement which can be adapted for subcutaneous injections.~~